IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.825 OF 2005

Nikky Kanhaiyalal Bardia. .. .. Petitioner
v/s.
Union of India & ors. .. .. Respondents

Mr.S.H. Patel for petitioner.

Mr.Rajiv Chavan, AGP for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATE : 27TH APRIL 2005

ORAL ORDER : (Per H.L.Gokhale, J.)

1. Heard Mr.Patel in support of this petition. Mr.Chavan, AGP appears for the respondents.

2. Rule. Rule is made returnable forthwith. The petitioner is a natural daughter of one Mr. Kuldeep Kumar Dugar. She has been given in adoption to one Mr.Kanhaiyalal Tarachand Bardia, who is her maternal uncle. That has been done by way of a Deed of Adoption executed in Calcutta on 8th March 2002 and registered over there in June 2003.

3. The petitioner accordingly wants a correction in her passport and a passport to be issued in her adoptive name i.e. Nikky Kanhaiyalal Bardia. On her approaching the Regional Passport office herein Mumbai, she was informed by a letter dated 17th June 2004 that she must obtain a declaratory order from a Court. She, therefore, filed a suit in the City Civil Court, Bombay, for that purpose bearing Short Cause Suit No.3404 of 2004, but the Court took the view that it had no jurisdiction to entertain any such suit and to pass an order. It is under these circumstances that the present petition has been filed.

4. The Deed of Adoption has been annexed to the petition. It is amongst the near relatives. We do not find any reason as to why the Deed of Adoption should not be accepted and acted upon. In the circumstances, we declare that the adoption is proper and valid and accordingly, as prayed in the petition, we direct respondent No.2 to process the application of the petitioner to issue her passport in her adoptive name i.e. Nikky Kanhaiyalal Bardia. Accordingly, we make the Rule absolute in terms of prayer clause (a). There will be no order as to costs.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)